

1993, chapter 82

AN ACT TO AMEND THE CHARTER OF THE CITY OF MONTREAL

Bill 200

Introduced by Mr Jacques Chagnon, Member for Saint-Louis

Introduced 26 November 1992

Passage in principle 18 June 1993

Passage 18 June 1993

Assented to 18 June 1993

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Acts amended:

Charter of the city of Montréal (1959-60, chapter 102)

Act to amend the Charter of the city of Montréal (1983, chapter 59)



CHAPTER 82

An Act to amend the charter of the city of Montréal

[Assented to 18 June 1993]

Preamble WHEREAS it is in the interest of the city of Montréal that its charter, chapter 102 of the statutes of 1959-60, be amended;

THE PARLIAMENT OF QUÉBEC ENACTS AS FOLLOWS:

1. The charter of the city of Montréal (1959-60, chapter 102) is amended by inserting, after article 9, the following article:

9a. The council may make agreements to entrust, in whole or in part, the administration, operation and management, in its name, of the property belonging to it or which it has the use of and the programs or services within its competence, with the exception of those concerning traffic, peace, public order, decency and good morals.

Article 107 does not apply to agreements made under the first paragraph where they relate to recreation or community matters, if they are made with non-profit corporations to which the city is authorized to pay subsidies."

2. Article 10 of the said charter, amended by section 5 of chapter 71 of the statutes of 1964, section 1 of chapter 70 of the statutes of 1970, section 1 of chapter 77 of the statutes of 1973 and section 1089 of chapter 4 of the statutes of 1990, is amended by replacing the words "two hundred dollars" in the third paragraph by the figure "\$1 000".

3. The said charter is amended by inserting, after article 10k, the following articles:

Contracts **“10l.** The city is authorized to enter into contracts for the purpose of conveying or leasing, for a consideration,

(1) rights and licences in respect of processes devised by it as well as know-how in its fields of competence and any material allowing subsequent purchasers to use such know-how;

(2) geomatic data or other data concerning its territory.

Contracts Such contracts may be entered into for the purpose of a gratuitous conveyance or leasing where such conveyance or leasing is in favour of the Government, a minister or agency thereof, a municipality, an urban community, a school board or any other non-profit organization.

Processes,
know-how,
data The processes, know-how and data of bodies created by the city and of the corporations incorporated at the request of the city are processes, know-how and data of the city.

Contract Any contract with a person or body other than a person or body referred to in the second paragraph must be awarded following a call for public tenders. Paragraphs 4 and 7 of article 1079 apply, with such modifications as the circumstances require.

Powers **“10m.** Notwithstanding the Municipal Aid Prohibition Act (R.S.Q., chapter I-15), the city may

(1) participate in as member, or provide aid to Centre de recherche Volvox (1991) inc. for the implementation of research and development projects relating to decision support interactive systems for the management of its operations and territory;

(2) participate as member, shareholder or sponsor, as the case may be, in bodies or corporations engaged in the distribution and marketing of interactive systems referred to in paragraph 1 which are developed by Centre de recherche Volvox (1991) inc.”

1959-60,
c. 102,
a. 106, am. **4.** Article 106 of the said charter, amended by section 15 of chapter 70 of the statutes of 1963 (1st session), section 10 of chapter 96 of the statutes of 1971, section 14 of chapter 77 of the statutes of 1977, section 2 of chapter 41 of the statutes of 1980, section 3 of chapter 71 of the statutes of 1982, section 211 of chapter 38 of the statutes of 1984, section 8 of chapter 111 of the statutes of 1987, section 8 of chapter 87 of the statutes of 1988 and section 7 of chapter 80 of the statutes of 1989, is amended

(1) by inserting the word “alteration,” after the word “building,” in the first line of the first paragraph of paragraph o;

(2) by replacing, in the French text, the word “bâtiments” in the second line of the first paragraph of paragraph *o* by the word “constructions”;

(3) by inserting the words “exercise, in return for a commission, the powers under this paragraph in respect of property belonging to the Crown, the Communauté urbaine de Montréal, another municipality or any public corporation or body,” after the word “value;” at the end of paragraph *q*;

(4) by replacing the first paragraph of paragraph *t* by the following paragraph:

“(t) establish and amend tariffs fixing the rate for the leasing of property owned by the city and of services provided by its employees to third persons and relating to access to municipal activities and equipment; vary the tariffs according to the classes of property, services, activities, aliquot shares, contributions or beneficiaries it determines;”.

1959-60,
c. 102,
a. 107, am.

5. Article 107 of the said charter, replaced by section 15 of chapter 77 of the statutes of 1977 and amended by section 7 of chapter 40 of the statutes of 1980, section 849 of chapter 57 of the statutes of 1987, section 9 of chapter 87 of the statutes of 1988 and section 68 of chapter 27 of the statutes of 1992, is again amended by adding, after subarticle 8, the following subarticles:

Applicability

“(9) This article does not apply to a contract for the supply of electricity, steam or cold water where the supplier is a public body within the meaning of the Act respecting Access to documents held by public bodies and the Protection of personal information (R.S.Q., chapter A-2.1).

Applicability

“(10) This article does not apply to a contract the purpose of which is to allow the city to save on energy, where the contract includes both the supply of professional services and the carrying out of works or the supply of equipment or materials or of services other than professional services.”

1959-60,
c. 102,
aa. 137-141,
added

Powers

6. The said charter is amended by inserting, after article 136, the following articles:

“**137.** Every person who is responsible for the carrying out of this Act or the by-laws may, for that purpose and at any reasonable time,

(1) enter upon any land or into any structure, building or other premises where an activity contemplated in this Act or in the by-laws may be carried on, in order to perform his duties, and inspect it;

(2) require that any book, register or other document or object or any necessary information be produced;

(3) take photographs of the premises and of any evidence produced pursuant to paragraph 2.

Prohibition

“138. It is prohibited to hinder the work of a person responsible for the carrying out of this Act and the by-laws in the performance of his duties and to deceive or attempt to deceive him by omission or by false or misleading statements.

Identification

“139. The person responsible for the carrying out of this Act and the by-laws shall, on request, identify himself and show a document as proof of his capacity, issued by the head of the competent department.

Contravention

“140. Every person responsible for the carrying out of this Act and the by-laws may, in the performance of his duties, order the suspension of work, the closing of a building or other premises, or the termination of an activity where he ascertains a contravention that is likely to endanger public health or safety.

Investigation

“141. Every person who is responsible for the carrying out of this Act and the by-laws may investigate any matter within his competence.”

1959-60,
c. 102,
a. 170,
replaced
Employee

7. Article 170 of the said charter is replaced by the following article:

“170. Every employee of the city is bound *ex officio* to be loyal and to bear allegiance to constituted authority.

Employee

Every employee of the city shall perform his duties in the public interest, to the best of his ability, with honesty and impartiality, and shall treat the public with consideration and diligence.”

1959-60,
c. 102,
a. 462,
replaced
By-laws

8. Article 462 of the said charter, replaced by section 7 of chapter 90 of the statutes of 1990, is replaced by the following article:

“462. Except where the sentence applicable is provided in an Act, the council may, by by-law,

(1) prescribe a fine for any offence under a by-law within its competence;

(2) prescribe, in respect of fines, a fixed amount or the minimum and maximum amounts or both a minimum amount of \$1 and a maximum amount.

Offences and penalty For a first offence, the fixed or maximum amount prescribed may not exceed \$1 000 if the offender is a natural person or \$2 000 if the offender is a legal person. For a second or subsequent conviction, the fixed or maximum amount prescribed may not exceed \$2 000 if the offender is a natural person or \$4 000 if the offender is a legal person."

1959-60, c. 102, a. 464a, am. **9.** Article 464a of the said charter, replaced by section 1093 of chapter 4 of the statutes of 1990 and amended by section 8 of chapter 90 of the statutes of 1990, is amended by replacing the figure "\$1 000" by the figure "\$2 000" and the figure "\$2 000" by the figure "\$4 000".

1959-60, c. 102, a. 466, replaced **10.** Article 466 of the said charter, replaced by section 10 of chapter 90 of the statutes of 1990, is again replaced by the following article:

Fine **"466.** Where this Act imposes a fine for an offence under a provision of this Act, the fixed or maximum amount prescribed may be doubled in the case of a second or subsequent conviction where the offender is a natural person or in the case of a first offence where the offender is a legal person. The amount may be quadrupled in the case of a second or subsequent conviction where the offender is a legal person."

1959-60, c. 102, a. 470, repealed **11.** Article 470 of the said charter is repealed.

1959-60, c. 102, a. 520, am. **12.** Article 520 of the said charter, amended by section 26 of chapter 97 of the statutes of 1960-61, section 8 of chapter 71 of the statutes of 1964, section 21 of chapter 84 of the statutes of 1965 (1st session), section 5 of chapter 90 of the statutes of 1968, section 4 of chapter 91 of the statutes of 1969, section 205 of chapter 19 of the statutes of 1971, section 20 of chapter 96 of the statutes of 1971, section 57 of chapter 77 of the statutes of 1973, sections 45 and 183 of chapter 77 of the statutes of 1977, section 23 of chapter 64 of the statutes of 1982, section 1 of chapter 59 of the statutes of 1983, section 145 of chapter 27 of the statutes of 1985, section 26 of chapter 111 of the statutes of 1987, section 11 of chapter 87 of the statutes of 1988, section 10 of chapter 80 of the statutes of 1989, section 1096 of chapter 4 of the statutes of 1990, section 3 of chapter 89 of the statutes of 1990 and section 11 of chapter 90 of the statutes of 1990, is amended

(1) by striking out paragraph 1;

(2) by replacing the heading preceding paragraph 8 by the following heading:

“Public health, sanitation and safety”;

(3) by striking out the heading preceding paragraph 31;

(4) by replacing paragraph 36 by the following paragraphs:

Public
health and
safety

“36. Regulate or prohibit the manufacture, storage, use and transportation and impose the recovery, recycling and destruction of fireworks and of all combustible, explosive, toxic, radioactive, corrosive or other matters which constitute a danger to public health and safety;

Alteration
or demoli-
tion permit

“36.01 Impose, as a precondition to obtaining an alteration or demolition permit, that chlorofluorocarbons (CFCs), bromofluorocarbons (halons) and substitutes be recovered beforehand in order to be reused, recycled or destroyed and that proof thereof be furnished to the city by the proprietor of the immovable, in the manner determined by the council; for the purposes of this paragraph, determine products or classes of products and uses or classes of uses for which the council may prescribe different rules;”;

(5) by striking out paragraphs 42 and 43;

(6) by adding the following at the end of paragraph 45: “authorize the director of the fire prevention department to take the appropriate measures and to order the proprietor, tenant, occupant, caretaker or watchman to take any measure the director considers appropriate where, in his opinion, there is serious or imminent danger to public safety;”;

(7) by adding, after paragraph 46, the following paragraph:

Priority
lanes

“46.1 (a) Require every proprietor of a building subject to Chapter III of the Building Act (R.S.Q., chapter B-1.1) to lay out priority lanes restricted to emergency vehicles in proximity to such building, to prohibit parking therein of any other vehicle and to define an emergency vehicle;

(b) Declare that the rules established under subparagraph *a* are inapplicable to any class of buildings it determines;

(c) Order that any parking offence, ordered under subparagraph *a*, is considered to be an offence against the by-law relating to parking

in the streets of the city, and that the rules applying to the towing and storage of vehicles that interfere with road works apply to any illegally parked vehicle;”;

(8) by replacing paragraph 47 by the following paragraph:

Fire hoses

“47. Prohibit the driving of vehicles over fire hoses spread on public or private land and provide that the officer in command on the premises may, at his discretion, allow a vehicle to pass in the manner he indicates;”;

(9) by striking out paragraph 49.

1959-60,
c. 102,
a. 521, am.

13. Article 521 of the said charter, amended by section 148 of chapter 55 of the statutes of 1972, section 46 of chapter 77 of the statutes of 1977, section 9 of chapter 40 and section 8 of chapter 41 of the statutes of 1980, section 18 of chapter 71 of the statutes of 1982, section 24 of chapter 64 of the statutes of 1982 and section 12 of chapter 90 of the statutes of 1990, is amended

(1) by striking out paragraph 1;

(2) by replacing paragraph 21 by the following paragraph:

Licences

“21. License owners and drivers of horse-drawn vehicles and fix quotas for such licences; regulate their services and fix the price thereof; designate the places where they may park and circulate;”.

1959-60,
c. 102,
a. 522, am.

14. Article 522 of the said charter, amended by section 27 of chapter 97 of the statutes of 1960-61, section 54 of chapter 59 of the statutes of 1962, section 19 of chapter 70 of the statutes of 1963 (1st session), section 9 of chapter 71 of the statutes of 1964, section 23 of chapter 86 of the statutes of 1966-67, section 47 of chapter 77 of the statutes of 1977, section 16 of chapter 22 of the statutes of 1979, section 20 of chapter 71 of the statutes of 1982, section 3 of chapter 59 of the statutes of 1983, section 1 of chapter 75 of the statutes of 1984, section 6 of chapter 117 of the statutes of 1986, section 11 of chapter 80 of the statutes of 1989 and section 13 of chapter 90 of the statutes of 1990, is amended,

(1) in paragraph 11,

(a) by inserting the words “regulate the reconstruction of sidewalks, curbs, pavements and median strips or other parts of the public domain which have been demolished or damaged as a result of an excavation and exempt certain classes of persons from the obligation to carry out all or part of such reconstruction;” after the word “domain” in the fourth line of the first paragraph;

(b) by replacing the second and third paragraphs by the following paragraphs:

Excavation “Prescribe that a permit must be obtained to excavate, determine the terms and conditions therefor and fix the fee for the excavation permit according to the age of the pavement and sidewalk in which excavation work is to be carried out; in cases of emergency which the council may determine, allow the excavation permit to be applied for after the commencement of the excavation work, within the period it determines.

Corrective
measures In cases where the openings, backfilling, reconstruction and other works relating to an excavation are not made in accordance with the by-law, provide that the city may, at the expense of the offender, carry out the necessary corrective measures to make the works consistent and to restore the premises to their former condition.”;

(c) in the fourth paragraph,

i. by replacing the word “authorization” by the words “a permit”;

ii. by adding the words “fix the tariff according to the age of the pavement and sidewalk in which excavation work is to be carried out;” at the end after the words “as it may provide;”;

(2) by replacing paragraphs 13 and 14 by the following paragraphs:

Occupation “13. Authorize, for certain purposes, occupation of the public domain; fix, in each case or by general rules, as it sees fit, the conditions for such authorization; prescribe that a permit, renewable periodically or not, must be obtained to secure such authorization; determine, in each case or by general rules, the duration of occupation and the procedure for its termination; provide for the removal of all or part of any construction or installation erected on the public domain otherwise than in accordance with an authorization under this paragraph; subject to the right of the city to revoke any permit in the manner and on the conditions prescribed in the by-laws, prescribe that the city may, notwithstanding any authorization granted under this paragraph, remove temporarily or permanently all or part of any construction or installation so authorized on the public domain, in the circumstances it determines; permit the executive committee to grant such authorizations and, for that purpose, exercise, by resolution, the powers of the council under this paragraph; create a register of occupation of the public domain and determine the classes of occupation to be registered and the manner in which they are to be registered and provide for the issue of certified extracts from the register;

Payment

“13.1 Require, in consideration for any occupation of the public domain authorized under this charter, the payment, in a single payment or in instalments, of a price to be fixed by the council in each case or according to the criteria it determines;

Responsi-
bility

“14. Hold the persons authorized to occupy the public domain responsible for any damage to property or injury to persons as a result of the occupation and require them to take up the defense of the city and hold the city harmless from any claim made against it by reason of such damage or injury;”;

(3) by replacing the words “compel any person to plant trees in front of his property, under the direction of the director of the public works department” in paragraph 41 by the words “compel any proprietor to plant grass, shrubs, trees or other plants on his land and on that part of the right of way of the public thoroughfare running along the front of his property that is comprised between his land and the sidewalk or the edge of the roadway, under the direction of the director of the competent department,”.

1959-60,
c. 102,
a. 523, am.

15. Article 523 of the said charter, amended by section 10 of chapter 71 of the statutes of 1964, section 23 of chapter 84 of the statutes of 1965 (1st session) and section 6 of chapter 90 of the statutes of 1968, is amended by striking out paragraph 3.

1959-60,
c. 102,
a. 524, am.

16. Article 524 of the said charter, amended by section 55 of chapter 59 of the statutes of 1962, section 20 of chapter 70 of the statutes of 1963 (1st session), section 24 of chapter 86 of the statutes of 1966-67, section 7 of chapter 90 of the statutes of 1968, section 1 of chapter 91 of the statutes of 1968, section 21 of chapter 96 of the statutes of 1971, section 4 of chapter 76 of the statutes of 1972, section 58 of chapter 77 of the statutes of 1973, section 48 of chapter 77 of the statutes of 1977, section 82 of chapter 7 of the statutes of 1978, section 10 of chapter 40 of the statutes of 1980, section 21 of chapter 71 of the statutes of 1982, section 670 of chapter 91 of the statutes of 1986, section 2 of chapter 86 of the statutes of 1988, section 12 of chapter 87 of the statutes of 1988, section 12 of chapter 80 of the statutes of 1989, section 4 of chapter 89 of the statutes of 1990 and section 14 of chapter 90 of the statutes of 1990, is amended

(1) by inserting, after the first paragraph of paragraph 1, the following paragraph:

Code of
building
standards

“The council may order in the building by-law that all or part of an existing code of building standards constitutes all or part of the by-law. It may also prescribe that amendments to that code or to a relevant part of it made after the coming into force of the by-law will

also be part of the by-law without the council having to pass a by-law to prescribe the applicability of every amendment. Such an amendment comes into force on the date fixed by a resolution of the council; the clerk shall give public notice of the adoption of the resolution. The code or any applicable part of it is attached to the by-law and is part of it;”;

(2) by inserting, after paragraph 1, the following paragraph:

Non-
conforming
structure

“1.1 Prescribe, according to classes of structures or parts of the territory, that the reconstruction or restoration of a non-conforming structure that has been destroyed, become unsafe or lost at least half of its value as a result of a fire or otherwise, be carried out in accordance with the by-laws in force at the time of such reconstruction or restoration;”;

(3) by inserting the words “, including public uses and structures” after the words “which may be erected” in the first paragraph of subparagraph *b* of paragraph 2;

(4) by striking out the words “, except in such case the indemnity, if any, payable to the owners, lessees or occupants having vested rights” in the first paragraph of subparagraph *b* of paragraph 2;

(5) by striking out the second and third paragraphs of subparagraph *b* of paragraph 2;

(6) by inserting, after subparagraph *b* of paragraph 2, the following subparagraphs:

“(b.1) Prescribe the conditional uses of lands and structures which are authorized conditional to prior approval of the executive committee, in accordance with articles 524*l* to 524*n*;

Conditional
uses

Prescribe that conditional uses of lands and structures may differ where they replace, alter or extend a non-conforming use protected by acquired rights;

“(b.2) Specify, for certain zones, parts or sections of certain zones, for certain streets, parts or sections of certain streets or for any place whatever, the dimensions, volume, floor area and ground area of a structure; the total floor area of a building in relation to the total area of the lot; the layout area of a structure in relation to the total area of a lot; the proportion of the landsite which may be occupied by a structure or use; the density of the occupancy of the soil; the length, width and area of the space to be left vacant between

structures on the same landsite, between structures or between different uses or between the structures and different uses; the use and laying out of such vacant space; the space which must be left vacant between structures and the street and land boundaries; the layout of a building in relation to its height;

“(b.3) Cause the norms prescribed in the exercise of the powers set out in subparagraph *b.2* to vary according to the microclimatic effects of a structure such as sunshine and wind factors, according to the clearing of visual corridors and to the uses and occupancy that are exercised and the structures that are erected on contiguous lands, and according to any other criterion of integration and insertion into a developed environment;

“(b.4) Prescribe for all or part of the territory of the city and according to such classes as it may determine, the maximum number of restaurants and establishments selling alcoholic beverages for consumption on the premises and the distance between such establishments or between such an establishment and an immovable, or part of an immovable, occupied for housing or public purposes or any class thereof;

“(b.5) Determine the level of any landsite in relation to thoroughfares;

“(b.6) Specify for certain zones, parts or sections of certain zones, for certain streets, parts or sections of certain streets, or for any place whatever, or for each use, occupancy, combination of uses or occupancy, the space to be reserved and laid out for the loading or unloading of vehicles and the disposition of such space;

“(b.7) Regulate or prohibit all or certain land uses, structures or works, taking into account the topography of the landsite, the proximity of a stream or lake, the danger of flood, rockfall, landslide or other disaster, or any other factor specific to the nature of the place which may be taken into consideration for reasons of public safety or of environmental protection regarding riverbanks and lakeshores, littoral zones or floodplains;

“(b.8) Regulate or prohibit all or certain land uses, structures or works, taking into account the proximity of a place where the present or planned presence or carrying out of an immovable or activity results in land occupation being subject to major restrictions for reasons of public safety, public health or general welfare;

“(b.9) Regulate by zone, part or section of certain zones, by street, part or section of certain streets or at any place whatever, the

specific conditions of siting or layout applicable to structures and uses on non-conforming lots protected by acquired rights;

“(b.10) Determine by zone, part or section of certain zones, by street, part or section of certain streets, or for any place whatever, the uses permitted in any part of a structure;”;

(7) by replacing subparagraph *c* of paragraph 2 by the following subparagraph:

“(c) Regulate non-conforming structures, uses or occupancy protected by acquired rights;

(1) by requiring the cessation of a non-conforming use or occupancy protected by acquired rights if such use or occupancy has been abandoned, has ceased or has been interrupted for a reasonable period determined by the council, which in no case may be less than six months, taking into account the nature of the use or occupancy or of the street, part or section of a street, or of the zone, part or section of a zone;

(2) by prohibiting the extension, replacement or alteration of a non-conforming use, occupancy or structure protected by acquired rights, or by determining conditions governing the extension, replacement or alteration, of right or according to the procedure governing conditional uses, of any non-conforming use, occupancy or structure protected by acquired rights, taking into account the nature of the use or occupancy, the type of structure and the street, part or section of a street, the zone, part or section of a zone where the use is exercised or the structure is erected;

(3) by requiring the cessation of a non-conforming use or occupancy protected by acquired rights, subject to an indemnity, where applicable, payable to the owner, lessee or occupant; any application for an indemnity must be submitted to the Superior Court, upon the filing of a motion for such purpose with a minimum six-days' notice; the court shall then decide whether or not there are acquired rights and, if so, it shall entrust the Expropriation Division of the Court of Québec with the fixing of the indemnity and determine, as in the case of an expropriation, the time within which the Division must act; the order and homologation of the order are carried out as in the case of an expropriation, with any necessary changes;”;

(8) by inserting, after paragraph 5.1, the following paragraph:

“5.2 (a) Specify for certain zones, parts or sections of certain zones or for certain streets, parts or sections of certain streets, or for

Area and
dimensions

any place whatever, the area and dimensions of the lots or lands and cause such norms to vary according to the classes of structures, uses or occupancy;

(b) Prescribe the minimum area and dimensions of lots that may be affected by a cadastral operation, and cause such norms to vary according to the nature of the soil or the proximity of public works;

(c) Establish the conditions under which a non-conforming lot which is protected by vested rights may be enlarged or changed, such conditions varying according to the cases prescribed in the by-law;

(d) Regulate or prohibit all or certain cadastral operations, taking into account the topography of the land, the proximity of a stream or lake, the danger of flood, rockfall, landslide or other disaster, or any other factor specific to the nature of the place which may be taken into consideration for reasons of public safety or of environmental protection regarding riverbanks and lakeshores, littoral zones or floodplains;

(e) Regulate or prohibit all or certain cadastral operations, taking into account the proximity of a place where the present or planned presence or carrying out of an immovable or activity results in land occupation being subject to major restrictions for reasons of public safety, public health or general welfare;”;

(9) in paragraph 12,

(a) by inserting the words “or prohibit, by portion of territory,” after the word “Regulate”;

(b) by inserting the words “prescribe, by portion of territory, the minimum distance between billboards, which distance may not exceed 90 metres;” after the word “cost;”;

(10) by replacing the word “Define” in paragraph 15 by the words “Subject to articles 137 to 141, define”;

(11) by adding, at the end, the following paragraphs:

Zoning
by-law

“For the purposes of subparagraphs *b.7* and *b.8* of paragraph 2, the zoning by-law may, in particular, divide the territory of the city, establish classes of uses, structures or works to be prohibited or regulated and establish classes of immovables, activities or other factors which justify, depending on the subparagraph contemplated, such prohibition or regulation. The by-law may, in such case, order prohibitions or rules varying according to the parts of territory, the former classes involved, the latter classes involved or any combination

of a number of such criteria of distinction. The by-law may, so as to permit the determination of the territory where a prohibition or a rule applies near a source of restrictions, measure the extent of harmful or undesirable effects caused by the source.

Subdivision
by-law

For the purposes of subparagraphs *d* and *e* of paragraph 5.2, the subdivision by-law may, in particular, divide the territory of the city, establish classes of cadastral operations to be prohibited or regulated and establish classes of immovables, activities or other factors which justify, depending on the subparagraph contemplated, such prohibition or regulation. The by-law may, in that case, order prohibitions or rules varying according to the parts of territory, the former classes involved, the latter classes involved or any combination of a number of such criteria of distinction. The by-law may, so as to permit the determination of the territory where a prohibition or a rule applies near a source of restrictions, measure the extent of harmful or undesirable effects caused by the source.”

1959-60,
c. 102,
aa. 524l-
524o, added
Conditional
use

17. The said charter is amended by inserting, after article 524*k*, the following articles:

“524l. The council may pass a by-law respecting conditional uses, prescribing

(1) the procedure to be followed when applying to the executive committee for an authorization to exercise a conditional use;

(2) the procedure whereby any interested person may make his views known in relation to an application for authorization to exercise a conditional use;

(3) the criteria to be applied in assessing an application for conditional use, which criteria may vary according to the nature of the conditional uses and to the parts of territory.

Conditional
use

“524m. A conditional use may be authorized provided it does not interfere with the enjoyment by neighbouring owners of their ownership rights.

Public notice

“524n. The clerk shall, not later than 15 days before the holding of the sitting at which the executive committee is to decide the application for authorization to exercise a conditional use, cause a public notice to be published at the expense of the applicant.

Notice

The notice shall state the date and time of the sitting of the executive committee and the nature and consequences of the authorization applied for. The notice shall contain the designation of the immovable affected using the name of the thoroughfare and the

civic number or, failing that, the cadastral number, and shall state that, in accordance with a by-law passed under article 524~~l~~, any interested person may make his views known to the executive committee in relation to the application.

Copy

“524o. A copy of the decision of the executive committee shall be sent to the person applying for an authorization to exercise a conditional use.”

1959-60,
c. 102,
a. 525, am.

18. Article 525 of the said charter, amended by section 25 of chapter 86 of the statutes of 1966-67, section 51 of chapter 77 of the statutes of 1977 and section 25 of chapter 64 of the statutes of 1982, is again amended by replacing paragraph 7 by the following paragraph:

Conditions

“7. (a) Determine the conditions of layout, occupancy, maintenance and preservation of buildings; prescribe conditions which may vary according to the classes of buildings it determines;

(b) where the conditions prescribed in subparagraph *a* are not complied with or whenever a building is decrepit, dilapidated or deteriorated due, in particular, to lack of maintenance, abuse or acts of defacement, require the carrying out of alteration, restoration, repair or maintenance works and establish the procedure by which the person is notified of the works he is to carry out;

(c) create an arbitration board in charge of reviewing, in such cases as provided for in the by-law, a decision of the director to require the carrying out of works; establish the procedure under which such review may take place; authorize the board, on reviewing a decision, to affirm, reverse or modify it;

(d) authorize the director and, in cases of review, the board to apply measures different from those prescribed in the by-law where it has been demonstrated to them that the conditions of layout, occupancy, maintenance or preservation prescribed in that by-law cannot reasonably be applied;”.

1959-60,
c. 102,
a. 528, am.

19. Article 528 of the said charter, amended by section 56 of chapter 59 of the statutes of 1962, section 9 of chapter 90 and section 1 of chapter 92 of the statutes of 1968, section 22 of chapter 96 of the statutes of 1971, section 53 of chapter 77 of the statutes of 1977, section 12 of chapter 40 of the statutes of 1980, section 23 of chapter 71 and section 26 of chapter 64 of the statutes of 1982, section 5 of chapter 86 of the statutes of 1988 and section 14 of chapter 87 of the statutes of 1988, is amended by replacing the words “Under reserve of the fourth paragraph of” in paragraph 18 by the words “Subject to”.

1959-60,
c. 102,
a. 528b, am. **20.** Article 528b of the said charter, enacted by section 15 of chapter 87 of the statutes of 1988, is amended by inserting the words “in paragraph 1 of article 523,” after the figure “522.”.

1959-60,
c. 102,
a. 536, am. **21.** Article 536 of the said charter, amended by section 1097 of chapter 4 of the statutes of 1990, is amended by replacing the figure “\$200” in the third paragraph by the figure “\$1 000”.

1959-60,
c. 102,
a. 543b, am. **22.** Article 543b of the said charter, enacted by section 11 of chapter 41 of the statutes of 1980 and amended by section 26 of chapter 71 of the statutes of 1982 and section 5 of chapter 59 of the statutes of 1983, is again amended

(1) by replacing the words “places d'affaires et plus de 50 % des places d'affaires” in the French text of subarticle 1 by the words “établissements et plus de 50 % des établissements”;

(2) by adding, at the end of subarticle 1, the following paragraph:

Place of
business “For the purposes of this article, a place of business and the ratepayer who operates or occupies it are a taxable place of business and its occupant, respectively, within the meaning of the Act respecting municipal taxation (R.S.Q., chapter F-2.1).”;

(3) by replacing the words “une place d'affaires” in the French text of subarticles 4, 5 and 9 by the words “un établissement”;

(4) by replacing the words “place d'affaires” in the French text of subarticle 10 by the word “établissement”;

(5) by replacing the words “une place d'affaires” in the French text of subarticles 11 and 13 by the words “un établissement”;

(6) in the French text of subarticle 16,

(a) by replacing the words “une place d'affaires” by the words “un établissement”;

(b) by replacing the words “par place d'affaires” by the words “par établissement”;

(7) by replacing subarticle 20 by the following subarticles:

Budget “(20) At a general meeting specially convened for that purpose, the association shall adopt its budget, which may include any project involving capital expenditures.

Authoriza-
tion

“(20.1) Every loan of the association whose object is the financing of a project involving capital expenditures must be authorized by the council.”;

(8) by striking out the word “operating” in subarticle 22;

(9) by replacing the words “la place d'affaires est située” in the French text of subarticle 22 by the words “l'établissement est situé”;

(10) by replacing the words “and the payments are the same for every association” in subarticle 23 by the words “, the payments and the dates they become due shall be established by by-law”;

(11) by inserting the words “minimum or” before the word “maximum” in subarticle 23;

(12) by replacing the words “une place d'affaires” wherever they appear in the French text of subarticle 24 by the words “un établissement”;

(13) by striking out the words “Any occupancy occurring or ceasing after the first day of a month is deemed to be an occupancy occurring or ceasing on the first day of the following month.” in subarticle 24;

(14) in the French text of subarticle 25,

(a) by replacing the words “une place d'affaires” by the words “un établissement”;

(b) by replacing the words “d'une place d'affaires existante” by the words “d'un établissement existant”;

(15) by striking out subarticle 26;

(16) by inserting the words “minus collection costs, and the list of the members who have paid them” after the word “collected” in subarticle 27;

(17) by replacing subarticles 29 to 31 by the following subarticles:

Application

“(29) The application referred to in subarticle 28 is filed with the executive committee. It must, before being filed with the executive committee, be approved by the members of the association at a general meeting specially convened for that purpose.

Application

“(30) Where the application referred to in subarticle 28 is for the enlargement of the district of the association, it must, after it is

received, be submitted for consultation to the ratepayers operating a place of business in the territory affected by the proposed addition.

Applicable provisions

Subarticles 5 to 14 of this article, adapted as required, apply for the purposes of such consultation.”;

(18) in subarticle 34,

(a) by replacing the words “Subarticle 28 does not prevent an association from providing” by the words “An association may provide”;

(b) by replacing the words “in the zone” by the words “outside the district or occupying an immovable, other than a place of business, situated in or outside the district”;

(19) by inserting the words “and the transitional rules applicable when the territory of the association is changed” after the word “assessment” in the first paragraph of subarticle 37;

(20) by replacing subarticle 38 by the following subarticle:

Applicability

“(38) The provisions of this article concerning a ratepayer operating or occupying a place of business apply to every mandatary of the Crown in right of Québec who is such a ratepayer.”

1959-60,
c. 102,
a. 551, am.

23. Article 551 of the said charter, enacted by section 54 of chapter 77 of the statutes of 1977, is amended

(1) by replacing the words “rent fixed under paragraph 13 of” in the first line of the first paragraph by the words “price fixed for occupancy of the public domain under”;

(2) by striking out the word “other” in the last line of the first paragraph;

(3) by replacing the word “rent” in the last line of the second paragraph and in the first line of the third paragraph by the word “price”.

1959-60,
c. 102,
aa. 560b-
560f,
replaced

24. Article 560b, enacted by section 28 of chapter 111 of the statutes of 1987, article 560c, also enacted by section 28 of chapter 111 of the statutes of 1987 and amended by section 17 of chapter 87 of the statutes of 1988, article 560d, enacted by section 28 of chapter 111 of the statutes of 1987, article 560e, enacted by section 18 of chapter 87 of the statutes of 1988, and article 560f, enacted by section 28 of

chapter 111 of the statutes of 1987 and amended by section 19 of chapter 87 of the statutes of 1988 of the said charter, are replaced by the following articles:

Closing of
lane

“560b. If the executive committee decides to grant the petition, it shall propose to the council that a by-law ordering the closing of the lane be passed.

Designation
of land

The by-law shall include, where necessary, a designation of the land which, within the right of way of the lane, will be charged with a servitude for public utility purposes, including the laying, installation and maintenance of conduits, poles, wires and other accessories necessary for the operations of public utility companies. Such designation need not mention the dominant land.

Cadastral
plan

A cadastral plan shall accompany the by-law, identifying for each riparian lot the part of the lane to be re-attached to it, and mentioning a separate lot number for each part of such lane. The servitude for public utility purposes shall be marked on the plan by means of hatchings.

Notice

“560c. Notice of the passing of the by-law shall be served on each riparian owner entered on the real estate assessment roll and be published in a daily newspaper distributed in the city.

Copy

“560d. Upon the coming into force of the by-law, the city shall register a copy, duly certified by the clerk, in the registry office and the registrar shall mention the by-law on each riparian lot.

Registration

“560e. Registration entails the transfer of ownership of each re-attached lot to each riparian lot owner, in accordance with the cadastral plan, and creates the servitude for public utility purposes described in the by-law.”

1959-60,
c. 102,
a. 561,
repealed

25. Article 561 of the said charter, amended by section 56 of chapter 77 of the statutes of 1977, is repealed.

1959-60,
c. 102,
a. 566, am.

26. Article 566 of the said charter, amended by section 1101 of chapter 4 of the statutes of 1990, is amended by replacing the figure “\$40” in the third paragraph by the figures and word “\$60 to \$100”.

1959-60,
c. 102,
a. 612.1,
am.

27. Article 612.1 of the said charter, enacted by section 15 of chapter 90 of the statutes of 1990, is amended

(1) by replacing the words and figures “articles 612a and 612c” in the first paragraph by the word and figure “article 612a”;

(2) by replacing subparagraph 2 of the second paragraph by the following subparagraph:

“(2) establish the procedure with respect to the approval of the projects, determine the studies, documents or other items required to obtain approval and, if necessary, prescribe different terms and conditions for different classes of projects.”

1959-60,
c. 102,
a. 612a, am.

28. Article 612a of the said charter, enacted by section 7 of chapter 76 of the statutes of 1972 and amended by section 62 of chapter 77 of the statutes of 1977, section 17 of chapter 40 of the statutes of 1980, section 32 of chapter 71 of the statutes of 1982, section 7 of chapter 117 of the statutes of 1986, section 29 of chapter 111 of the statutes of 1987 and section 16 of chapter 90 of the statutes of 1990, is amended

(1) by replacing the first paragraph by the following paragraph:

Authoriza-
tion

“**612a.** The council may, by by-law, authorize a construction, alteration or occupancy project that derogates from one or more city by-laws and make such authorization subject to the fulfillment of requirements other than those prescribed by any other city by-law.”;

(2) by striking out the second and fourth paragraphs.

1959-60,
c. 102,
a. 612c,
repealed

29. Article 612c of the said charter, enacted by section 18 of chapter 90 of the statutes of 1990, is repealed.

1959-60,
c. 102,
a. 638,
repealed

30. Article 638 of the said charter, replaced by section 25 of chapter 40 of the statutes of 1980, is repealed.

1959-60,
c. 102,
a. 732a,
replaced
Audit

31. Article 732a of the said charter, enacted by section 6 of chapter 89 of the statutes of 1990, is replaced by the following articles:

“**732a.** The city auditor shall audit the accounts and affairs of

(1) the pension fund committees and affiliates of such committees;

(2) any body, corporation, association or society constituted under this Act or any other Act more than 50 % of the outstanding voting shares of which are held by the city or more than 50 % of the directors of which are appointed by the council or the executive committee;

(3) any body, corporation, association or society the audit of which is entrusted to him by the city.

Applicable
provisions

Article 733, adapted as required, applies to the audit.

Copies

“732b. The auditor of any body, corporation, association or society for which the audit is not conducted by the city auditor in accordance with article 732a and which receives an annual monetary contribution from the city of \$100 000 or more must transmit, to the city auditor, a copy of

(1) the annual financial statements of the body, corporation, association or society;

(2) his report on these statements;

(3) any other report to the board of directors or senior officers of the body, corporation, association or society containing his findings and recommendations.

Documents

He must also make available to the city auditor, at the latter's request, the working papers and other reports and documents relating to his audit as well as the results thereof and provide any additional information and explanations required in respect of his audit and results thereof.

Additional
audit work

Where the information, explanations, documents and reports provided by the auditor of the body, corporation, association or society are insufficient and additional audit work is required, the city auditor may conduct or cause to be conducted such additional audit work as he considers necessary.

Audit

For the purposes of this article, a body, corporation, association or society which receives an annual monetary contribution of \$100 000 or more from the city is bound to cause to be conducted an audit of its financial statements.”

1959-60,
c. 102,
a. 733, am.

32. Article 733 of the said charter, replaced by section 90 of chapter 77 of the statutes of 1977 and amended by section 32 of chapter 22 of the statutes of 1979, section 37 of chapter 40 of the statutes of 1980, section 54 of chapter 71 of the statutes of 1982, section 8 of chapter 112 of the statutes of 1987, section 7 of chapter 86 of the statutes of 1988 and section 7 of chapter 89 of the statutes of 1990, is amended by striking out paragraph 10.

1959-60,
c. 102,
a. 787g, am.

33. Article 787g of the said charter, enacted by section 42 of chapter 111 of the statutes of 1987, is amended by replacing the first paragraph by the following paragraph:

Classes of
recipients

“787g. For the purposes of articles 787a to 787d, the council may, in each case, establish various classes of recipients and fix different subsidy rates for the different classes.”

1959-60,
c. 102,
a. 787i,
replaced

34. Article 787i of the said charter, enacted by section 42 of chapter 87 of the statutes of 1988, is replaced by the following article:

Subsidy

“787i. The council may, by by-law, in respect of a subsidy paid within the scope of a by-law made under articles 787a to 787d,

(1) stipulate, in such circumstances as provided for in the by-law, that any change in the destination or mode of occupancy of the immovable and that the alienation of all or any part thereof or the transfer of control by the corporation which owns the immovable, within a period of not more than 10 years fixed by the council, shall entail repayment to the city, in such proportion as the council shall determine according to the period elapsed, of the subsidy paid by the city in respect of the immovable, or that any permit which may be required for a change of destination or occupancy may be refused until such repayment is made;

(2) stipulate that repayment of the subsidy shall be exigible from any person who is the owner of the immovable at the time of the change in the destination or mode of occupancy, the alienation of the immovable or the transfer of control by the corporation which owns the immovable, or from any subsequent purchaser;

(3) prescribe the formalities necessary to ensure conformity with the requirements stipulated under subparagraphs 1 and 2.

Registration

The owner who receives the subsidy must, if the by-law contains provisions adopted under subparagraph 2 or 3 of the first paragraph, cause a document establishing the restrictions so stipulated to the right of ownership of the immovable to be registered. Registration of such document shall be made by deposit and the registrar is required to receive it and to make mention of it in the index of immovables.”

1959-60,
c. 102,
a. 841,
repealed

35. Article 841 of the said charter, replaced by section 43 of chapter 96 of the statutes of 1971, is repealed.

1959-60,
c. 102,
a. 842, am.

36. Article 842 of the said charter, amended by sections 121 and 182 of chapter 77 of the statutes of 1977, is amended by replacing the first paragraph by the following paragraph:

Real estate
tax collec-
tion roll

“842. The director of finance may enter on the real estate tax collection roll the franchises, rights and privileges for occupation or

use of the public domain that are established during a fiscal year, taking into account the unexpired portion of the fiscal year.”

1959-60,
c. 102,
a. 851,
repealed

37. Article 851 of the said charter, enacted by section 63 of chapter 71 of the statutes of 1982 and amended by section 23 of chapter 68 of the statutes of 1989, is repealed.

1959-60,
c. 102,
a. 889, am.

38. Article 889 of the said charter, enacted by section 74 of chapter 59 of the statutes of 1962 and amended by section 22 of chapter 41 of the statutes of 1980 and section 9 of chapter 89 of the statutes of 1990, is amended by striking out the words “of the Municipal Court” in the fifteenth line of the second paragraph.

1959-60,
c. 102,
a. 890,
repealed

39. Article 890 of the said charter is repealed.

1959-60,
c. 102,
a. 891,
replaced
Statement

40. Article 891 of the said charter, amended by section 69 of chapter 77 of the statutes of 1973, is replaced by the following article:

“891. Once the period set forth in the notice prescribed by articles 888 and 889 expires, the director of finance shall draw up, certify and send to the clerk a statement containing a summary description of all immovables which are to be sold for taxes.

Statement

The statement need only designate the immovables by their cadastral or subdivision numbers, adding thereto the letter P in cases of parts of lots. The name of the street where each immovable is situated and the street number of the buildings, if any, must be specified; the first and last numbers, joined by a dash, is sufficient where there are several. The number of the tax account relating to each immovable must also be specified.

Sale

The clerk shall, without the formality of minutes of seizure, proceed with the sale of all immovables described in the statement in the manner prescribed in articles 892 to 897.”

1959-60,
c. 102,
a. 892, am.

41. Article 892 of the said charter, amended by section 473 of chapter 72 of the statutes of 1979, section 16 of chapter 59 of the statutes of 1983 and section 43 of chapter 111 of the statutes of 1987, is amended

(1) by replacing the first paragraph by the following paragraph:

Public notice

“892. The clerk shall give public notice, indicating

(a) the day, time and place of the sale;

(b) all immovables to be sold;

(c) the name of the proprietor of each such immovable, as entered on the real estate assessment roll;

(d) the tax account number relating to each of the immovables;

(e) the amount of tax due on each of the immovables, to which interest, penalties and costs shall be added at the time of the sale or of the settlement of the debt, where applicable;”;

(2) by striking out the words “, except in respect of the steps of the procedure for which the sheriff is responsible” in the second paragraph;

(3) by replacing the third paragraph by the following paragraph:

Notice

“The notice need only identify each immovable, indicating, in the case of an immovable upon which a building is erected, the tax account number relating to the building, the name of the street where the building is situated and the street number of the building, giving the first and last numbers joined by a dash where there are several. Where no building is erected thereon, the immovable shall be designated by its first cadastral number and first subdivision number as they appear in the statement provided by article 891, followed by the abbreviation “*etc*” where there is more than one; the tax account number relating to the immovable must also be stated.”;

(4) by replacing the words “sheriff shall cause such notice to be published, at least one month before the date fixed for the sale, in two daily newspapers published” in the fifth paragraph by the words “clerk shall cause such notice to be published, at least one month before the date fixed for the sale, in a newspaper distributed”;

(5) by replacing the words “what newspapers and on what dates the publications were made” in the fifth paragraph by the words “which newspaper and on what date the publication was made”.

1959-60,
c. 102,
a. 893, am.

42. Article 893 of the said charter is amended by replacing the words “the sheriff shall transmit” by the words “the clerk shall transmit”.

1959-60,
c. 102,
a. 894, am.

43. Article 894 of the said charter is amended

(1) by replacing the words “first juridical day of December of each year” in the first paragraph by the words “date fixed by the executive committee”;

(2) by replacing the word “sheriff” in the first paragraph by the word “clerk”.

1959-60,
c. 102,
a. 896, am.

44. Article 896 of the said charter, replaced by section 130 of chapter 77 of the statutes of 1977, is amended by replacing the first three paragraphs by the following paragraphs:

Purchase
price

“896. The successful bidder, other than the city, shall pay the purchase price immediately.

Cancellation
of sale

Failing immediate payment, the clerk shall cancel the sale to the defaulting bidder and offer the immovable for sale again immediately, or terminate the sale. In the latter case, the cost of the new notices shall be at the expense of the defaulting bidder. If the immovable is sold for a lower price than that offered by the defaulting bidder, he is required to pay the difference.”

1959-60,
c. 102,
a. 897,
replaced

45. Article 897 of the said charter is replaced by the following article:

Rules of
procedure

“897. Subject to the provisions of this division, the rules of procedure and remedies relating to the sale of immovables by the sheriff under a writ of execution apply, adapted as required, to sales of immovables made under this division.

Clerk

Notwithstanding the first paragraph, the clerk is not required to draw up minutes of the sale and the sale may be made without a waiting period.”

1959-60,
c. 102,
a. 897.1,
added
Certificate

46. The said charter is amended by inserting, after article 897, the following article:

“897.1 On payment by the successful bidder of the amount of his purchase, the clerk shall set forth the particulars of the sale in a certificate made in duplicate and signed by him, and deliver a copy thereof to the successful bidder.”

1959-60,
c. 102,
a. 898, am.

47. Article 898 of the said charter is amended

(1) by replacing the words “Subject to article 899, such” in the first line of the first paragraph by the word “Such”;

(2) by replacing the word “sheriff” in the last line of the third paragraph by the word “clerk”.

1959-60,
c. 102,
a. 899,
repealed

48. Article 899 of the said charter is repealed.

1959-60,
c. 102,
a. 900,
repealed

49. Article 900 of the said charter is repealed.

1959-60,
c. 102,
a. 902, am.

50. Article 902 of the said charter is amended by replacing the words “sheriff into” by the words “clerk to the prothonotary of”.

1959-60,
c. 102,
a. 904, am.

51. Article 904 of the said charter, replaced by section 46 of chapter 96 of the statutes of 1971, is amended by replacing the words “sheriff’s costs” by the words “selling costs”.

1959-60,
c. 102,
aa. 905.1-
905.3, added

52. The said charter is amended by inserting, after article 905, the following articles:

Absolute
proprietor

“905.1 If, within one year from the day of the sale for taxes, the immovable sold has not been bought back or redeemed according to articles 904 and 906, the purchaser shall remain the absolute proprietor thereof.

Deed of sale

“905.2 The purchaser, on exhibiting the certificate of purchase and on proving the payment of all municipal taxes which in the interval have become due on the immovable, is entitled, after the expiry of one year’s time, to a deed of sale from the city.

Deed of sale

He is also entitled to such a deed at any time before the expiry of that period, on proving the payment of all municipal taxes which in the interval have become due on the immovable and with the consent of the proprietor or his legal representatives and of the preferred or hypothecary creditors, which persons shall intervene in the deed to attest their consent.

Deed of sale

“905.3 The deed of sale shall be conveyed in the name of the city by the clerk, by deed before a notary.”

1959-60,
c. 102,
a. 985 and
heading,
replaced

53. The heading of the division preceding article 985 of the said charter and the said article 985, amended by section 95 of chapter 59 of the statutes of 1962, are replaced by the following:

“APPROPRIATION VOTE

Appropriations

“985. On ordering an expropriation, the council shall vote the appropriations required for the payment of contingent indemnities.”

1959-60,
c. 102,
a. 1012a,
am.

54. Article 1012a of the said charter, enacted by section 138 of chapter 77 of the statutes of 1977, is amended by replacing the first paragraph by the following paragraph:

Expropriation order

“1012a. Where part of an immovable is subject to an expropriation order and the indemnity paid by the city does not exceed \$5 000, all hypothecs, privileges and other charges encumbering that part of the immovable shall be cleared upon mere registration of the title of the city, and the registrar shall cancel them.”

1959-60,
c. 102,
a. 1018, am. **55.** Article 1018 of the said charter, enacted by section 29 of chapter 41 of the statutes of 1980 and amended by section 48 of chapter 111 of the statutes of 1987, is amended

(1) by inserting the following sentence at the end of the second paragraph: “The cost of lighting installations and traffic signs or signals may also be charged by means of a special assessment separate from the assessment relating to the paving cost.”;

(2) by adding the words “, lighting installations and traffic signs or signals” after the word “Paving” in the third paragraph.

1959-60,
c. 102,
a. 1020a, added **56.** The said charter is amended by adding, after article 1020, the following article:

Special tax

“1020a. Notwithstanding any inconsistent legislative provision of this charter or any other Act, the council may impose a special tax for the payment of municipal works of any kind, including maintenance works, based on the municipal valuation, area, frontage or any other dimension of the taxable real estate subject to such tax. In the case of lots that are situated at an intersection or are not rectangular in shape, the council may fix the frontage for assessment purposes, in the manner it deems appropriate.

Applicability This article applies for the purpose of the payment of professional fees related to the works contemplated, whether they were carried out or not.”

1959-60,
c. 102,
a. 1052, am. **57.** Article 1052 of the said charter, enacted by section 60 of chapter 22 of the statutes of 1979, is amended by replacing the words “one hundred dollars” in the fourth line by the words “an amount fixed by by-law by the council”.

1959-60,
c. 102,
a. 1053, am. **58.** Article 1053 of the said charter, replaced by section 110 of chapter 59 of the statutes of 1962 and amended by section 14 of chapter 89 of the statutes of 1990, is amended by adding the following paragraphs:

Prerequisite “The city may prescribe, as prerequisite for the approval of a plan relating to a cadastral operation, the payment of any balance due on the capital of local improvement taxes in respect of the immovables included in the plan.

Prerequisite The city may also request such payment prior to the issue of a permit for the construction of a new building or the reconstruction of a demolished building.”

1959-60,
c. 102,
a. 1059, am. **59.** Article 1059 of the said charter, enacted by section 62 of chapter 96 of the statutes of 1971, is amended

(1) by replacing the words “the lots forming the corner of two streets, or of two lanes, public or private, or of a street and a lane, public or private” in the first paragraph by the words “lots that are situated at an intersection or are not rectangular in shape”;

(2) by inserting, after the second paragraph, the following paragraph:

Amendment “Any roll that is already in force may be amended for the purposes of this article.”

1959-60,
c. 102,
a. 1121, am. **60.** Article 1121 of the said charter, amended by section 1104 of chapter 4 of the statutes of 1990, is again amended by inserting, after the first paragraph, the following paragraph:

Penal proceedings “The Court shall also hear any penal proceedings related to an infraction against a provision of a law of Québec, to the extent that they are brought by a person who is generally or specifically authorized in writing by the Attorney General.”

1959-60,
c. 102,
a. 1143, replaced **61.** Article 1143 of the said charter is replaced by the following article:

Special officers “**1143.** The special officers referred to in article 1142 are employees of the city and article 131*f* applies to them.”

1959-60,
c. 102,
aa. 1156,
1157, 1158, repealed **62.** Articles 1156, 1157 and 1158 of the said charter are repealed.

1959-60,
c. 102,
a. 1170*a*, added **63.** The said charter is amended by inserting, after article 1170, the following article:

Formal defect “**1170*a*.** In civil or administrative matters, no person who has complied with a notice or who, in any manner whatever, has sufficiently acquainted himself with the content or object thereof shall subsequently invoke any inadequacy or formal defect of the notice, or omission of its publication or service.”

1959-60,
c. 102,
a. 1179, am. **64.** Article 1179 of the said charter, enacted by section 83 of chapter 71 of the statutes of 1982, is amended by striking out the words “and that must in no case be more than ten dollars” in the fifth and sixth lines.

1959-60,
c. 102,
Form 3, repealed **65.** Form 3 of the said charter is repealed.

1959-60,
c. 102,
Form 32,
replaced

66. Form 32 of the said charter is replaced by the following form:

“32.— (*Article 883*)

Notice to ratepayers in default of paying taxes

City of Montréal

Mr or Ms Dr

to

the city of Montréal

(Statement of account)

(Date of notice)

Take notice that, having failed to pay the abovementioned taxes for the total amount specified, together with the costs of this notice, within the time prescribed by law or by public notice, as the case may be, you are hereby required to pay the amount due at the places and in the manner specified below within fifteen days from the date of this notice, in default whereof execution will issue on your goods and chattels.

(*Signature*)
Director of finance”.

1959-60,
c. 102,
Form 35,
repealed
Clerk

67. Form 35 of the said charter is repealed.

68. For the purposes of Title Second of Book First of the Civil Code of Lower Canada entitled “Of acts of civil status”, the clerk is and has always been authorized to delegate to any officer designated and sworn in by him for that purpose his powers, duties and obligations relating to the registering of births and to the issue and certification of copies of and extracts from the registers of civil status.

By-law

69. Notwithstanding any by-law, resolution or decision of a delegated officer made before the effective date of a by-law enacted under this section for the purpose of allowing encroachment by toleration upon the public domain or any other occupancy thereof, whether permanent, temporary or periodic, or authorizing the making of a contract for such purposes, the council may, by by-law,

(a) order that the rent payable under such by-law, resolution, decision or contract be replaced by a single and final payment of a price

determined by the council, which may be equal to or lower than the amount of the rent;

(b) prescribe that the rights and obligations created by such by-law, resolution, decision or contract be, in future, established or replaced under the terms of a by-law passed under paragraphs 13 to 14 of article 522 of the charter of the city introduced by section 14 of this Act or under this section;

(c) declare that contracts approved by a by-law, resolution or decision of a delegated officer made before the effective date of the by-law enacted under this section for the purpose of allowing occupancy of the public domain and whose terms are amended under paragraph *a* or *b* of this section cease to have effect without any indication thereof in the index of immovables.

Recovery of
real estate
taxes

70. Each file relating to the sale of immovables for the recovery of real estate taxes owed to the city of Montréal which is still open on 18 June 1993 shall remain under the responsibility of the sheriff of the judicial district of Montréal until it is closed.

1983, c. 59,
s. 27, am.

71. Section 27 of chapter 59 of the statutes of 1983 is amended by replacing the words “Paragraph *a* of section 5” by the words “Paragraph 1 of section 6”.

1983, c. 59,
s. 31, am.

Section 31 of the said chapter is amended by replacing the words “Paragraph *b* of section 5” by the words “Paragraph 2 of section 6”.

Effect

The first two paragraphs have effect from 22 December 1983.

Applicability

72. The provisions of section 60 do not prevent the continuance of penal proceedings relating to a law of Québec brought before the Court on or after 1 October 1990 or the execution of judgments rendered since that date.

Declaratory
provisions

73. Paragraphs 2 and 3 of section 16 of this Act, subparagraphs *b.2* and *b.5* to *b.10* of paragraph 2 of article 524 of the charter of the city of Montréal introduced by paragraph 6 of section 16 and paragraph 5.2 of article 524 of the said charter introduced by paragraph 8 of section 16 are declaratory.

Coming into
force

74. This Act comes into force on 18 June 1993.